TALK ON EBEN JUDD
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I confess the first time I met Eben Judd he was drunk. I realize this is something of a delicate issue, so I better let Mr. Judd describe the situation. "Thanksgiving day in Vermont. Went to Mr. Hall's at night. Fine supper--roasted turkey, chicken pie, and the first apples and apple pie I have tasted since I came to Coos. Had a fiddler and Coos dance. Went from there to Mr. Lucas' about 10 o'clock at night, where we found a company drinking sizzled rum, or hot toddy. Had a high caper, as it is called. About midnight returned to Esq. Eames, and made out to get to bed without help. The weather moderated about this time, as might have been expected."

I was immediately charmed by Mr. Judd and over the years, as time has permitted, I visit with him.

As with many another bar room acquaintance, I knew Mr. Judd, without knowing him. This fact was driven home when Judge Allen Hodgdon [Essex County] called and, with more enthusiasm than accuracy, referred to me as an expert on Eben Judd. This gambit succeeded in getting me to stand before you. It also, alas, underscored how little I really know of Ebenezer Warner Judd.

I tried to read up on Eben but quickly discovered that few published sources mention him. I learned he was born in Waterbury, Connecticut in 1761 and died in Middlebury, Vt in 1837. In a far ranging career he was a surveyor, land agent, farmer, merchant, mill operator, compiler and publisher of almanacs, inventor, and manufacturer. He may also have been a doctor--he is often referred to as Dr. Judd, though I found no indication that he had a medical degree or routinely practiced medicine. He did treat himself on several occasions, often prescribing opium for his ailments.

Dr. Judd was the delegate from Middlebury to the 1822 Vermont Constitutional Convention. In 1823 he was elected to Vermont's Executive Council (a body of twelve men, elected statewide, which until 1836 constituted part of the executive branch). From 1825 until 1829 he was an assistant judge of Addison County.

Though he was prominent in Addison county politics during in 19th century, his political career began here in Guildhall during the 18th. He was the first judge of probate for the District of Guildhall from 1790-1795, when Guildhall was part of Orange County. He also served in various town offices in Guildhall in the 1790's, including

proprietors' clerk, justice of the peace, and, perhaps, town clerk.

Though forgotten by many, Eben Judd remains a beloved figure in Essex County. He is described in Benton's History of Guildhall as "the most public spirited man who has ever lived in the county, and was without doubt one of the best, most prominent and honorable citizens of the town." In a 1950 speech celebrating the Essex County Courthouse, George N. Dale called Eben Judd "a public spirited philanthropist [who] gave this land to us for a Court House and Common."

As I read these celebrations of my hot toddy drinking, opium ingesting acquaintance, I was somewhat surprised. My experience with Eben Judd left a somewhat different impression. He was certainly a sharp business man; there are those in Middlebury who still assert that Eben stole the plans for the town's first marble saw mill from a twelve year old child. He was also a litigious sort, involved in law suits from one end of the state to the other. And, of course, there was that unfortunate episode with the federal marshals that landed him in jail.

These may not be mutually exclusive views of the man. He lived during a tumultuous time in Vermont when loyalties were divided and one's economic self-interest and political

agenda were occasionally indistinguishable. Popular views of Judd's contemporaries, Ethan, Ira and Levi Allen, are similarly colored by that mingling of private self-interest and public selflessness. At a minimum, Eben Judd is hardly the last citizen of the Northeast Kingdom to be cherished for his foibles as much as his virtues.

My personal admiration for Eben Judd derives from an entirely different source. Mr. Judd was one of the great journal keepers of 18th and early 19th century Vermont. Over his various careers Eben kept records of his surveys and business dealings; of his trials and his travels. His surviving notebooks and journals can be found in the Vermont State Archives and at the Sheldon Museum in Middlebury. Judd's records are arguably the best single source on early Vermont this side of the letters of the Allen family.

I first encountered Mr. Judd some seventeen years ago when I became state archivist and found his 1786 journal on his trip to, and surveying of, the Upper Coos. It is in this journal that I happened upon Judd's November 30, 1786 entry describing his encounter with sizzled rum. I was immediately hooked by this very human journalist and, in rare free moments, I return to read more from his journals.

What little knowledge I have of Eben Judd comes from these occasional readings. I frankly do not know enough of the details of his life to pretend to be a biographer. Indeed, his journals left me with many unanswered questions about how certain events in his life fit together. So, rather than attempt some chronological recital of Eben's life, I will share some of Eben's writings to give you a flavor of this remarkable participant in, and observer of, early Vermont.

Judd's records at the Archives are part of the records of the Office of Surveyor General. Judd was not a surveyor general, though he is sometimes referred to as a deputy surveyor. My sense is he was hired by inhabitants of Essex County in order to unravel their extremely confused town boundaries.

How confused? Several Essex County towns had overlapping boundaries. Some did not include the amount of acreage described in their original charters, clouding titles to land and raising all sorts of tax questions (these tax questions, I should add, were exacerbated by statewide property taxes; towns that failed to provide their allotted state taxes could be doomed by the General Assembly. Many Essex County towns, including Guildhall,

eventually sought legislative relief since they were being taxed on acreage they did not contain).

Confused boundaries created more than tax problems; after one survey it turned out that Guildhall's town officials were actually residing in neighboring towns and therefore ineligible for office.

When Judd became involved, he copied the minutes of the original proprietors' meetings for Guildhall; the meetings being held in Connecticut. These minutes show how some of the confusion about boundaries evolved. For example, in November, 1761 the proprietors appointed a committee to "go view Guildhall." Twenty-five years later the proprietors were still trying to locate their towns through surveys, a process that by then included Eben Judd (Judd not only did the surveys, but also became a proprietor and secretary to their meetings). Minutes from the February, 1789 proprietors' meeting complain about the lack of surveys and note that "sundry owners and others have taken possession and made improvements" to the land, without surveys, and, in some cases, without deeds. In other words, in the absence of accurate surveys, squatters settled in Guildhall and elsewhere.

These settlers banded together to protect their property rights. This is clear from Judd's field notes. In

October, 1786 he began doing surveys and on October 9th records, "Surveyed on side of the river in Maidstone. Just at sunset met a company of men on a piece of land that Mr. Shoff lived on. They held our chain-men, and said if we went on they would break our heads. We returned to Thomas Wooster's (we went on with our work until the 13th)." On that day his work was again interrupted by a "company of settlers" who "stopped and hindered us a long time." On the 14th Judd was better prepared and wrote "Began to lot where we left off on Wait's Bow. We went strong handed. Joseph Holdbrook carried the fore end of the chain, and was clinched upon by Mr. Grapes. Grapes was advised to let go, and finally did, and we went on with our lotting."

Clearly the laying out and settling of Essex County was not always a peaceful affair. And the stakes were high. Imagine clearing land and suffering the hardships of early settlement only to be threatened by the loss of your land and labor because of inaccurate surveys.

The stakes were particularly high for the squatters who had established claims without any title. Judd wondered how to treat the squatters and decided to go straight to the top for answers. His entry for June 4, 1787 begins: "Crossed the river to Williston to see his excellency Governor Chittenden of Vermont. I found him in

a small house in the woods." Judd then records a question and answer session with Gov. Chittenden. When Judd asked, "What shall we do with the settlers now on pitches in the towns?" Chittenden responded, "You must put into the warning for the meeting to have them hold their pitches, and you must not interrupt them, for I will take the part of the poor settlers rather than have them interrupted. You must give them more than granted, if you intend to have them peaceable." Judd's transcript of Chittenden's remarks provides a unique direct insight into our first governor.

Judd's surveying records also reveal that tension between private interest and public disinterest I mentioned earlier. Judd took full advantage of his dual roles as a surveyor and land agent to acquire extensive holdings throughout the county. To cite one example: In 1791 the State of Vermont imposed a half cent an acre tax on all property in Vermont in order to pay off New York's claims to the state. This was part of the agreement that led to statehood for Vermont. By 1793 the state treasurer noted that many of the proprietors of Guildhall had not paid this tax and ordered their land sold at public auction. Judd ran the auction--and bought at least twenty-four parcels of land. It would be interesting to check if the land Judd gave for the courthouse and common was from these parcels.

In addition to his extensive land holdings Judd also owned a mill in Guildhall and a general store just over the line in Canada. Judd's widespread business interests became his undoing, at least in the Upper Coos. By 1800 Judd was a debtor, confined to Windsor until his creditors could be paid off. Judd's journals became as concerned with documenting his law suits as his land and business dealings.

Here the story becomes somewhat confused. Judd was confined to the Windsor and Woodstock jail yards, but his confinement is loose and he is allowed to live with his family in a private home in Windsor, with some supervised travel privileges. This arrangement is threatened by the arrival of two U.S. Marshals to serve additional writs upon him. My guess is that the federal officers are involved because of debts stemming from Judd's Canadian store, but I am not sure. Anyway, among the threats the marshals represent is that they will remove him from Windsor and confine him to Middlebury (yes, I know, it is difficult to envision confinement to places such as Windsor, Woodstock and Middlebury as excessively cruel, but once you have lived in Guildhall--well, there you have it). Middlebury was a designated federal, as well as a county, jail (debtors in federal jails suffered closer confinement).

According to Marshal Jabez Fitch, Judd pulled a pistol on him when he tried to serve the writ. Fitch knocked the gun from Judd's hand with a cane and was forced to subdue him with a leaded whip. Judd recounts a slightly different tale in which Fitch "broke and burst open the outside back door of [Judd's] house and rushed forcibly in upon him...and knocked him down, with a large cane & loaded whip, and beat bruised and wounded him till he [Judd] was left on the floor bleeding and senseless and committed other violent outrages upon his family by presenting a pistol at Mrs. Judd...in order to frighten her, and afterwards, on the same 18th day of March [1800]...carried and conveyed away [Judd] to the House of Allen Hays in Windsor and then and there continued their assault and abuse upon him...and upon Mrs. Judd by presenting a pistol at her and by threatening and challenging [Judd] to fight a duel, etc., etc."

Judd fills parts of two journals on the ensuing court case. There are myriad twists and sub-plots. For example, Judd claims to have previously paid Fitch $12 so he would be confined to Woodstock rather than Middlebury; Woodstock also being designated a federal jail. One of Judd's lawyers, Amasa Paine, apparently accepted money to represent Judd but ended up working for his creditors,

launching another lawsuit. There is also testimony that Judd's former partner in the Canadian general store had publicly vowed revenge and may have encouraged the marshals to kill Judd. And in yet another twist, Judd successfully sued Marshal Fitch for trespass and received punitive damages. Fitch could not pay the damages and ended up being confined in debtor's jail in Vergennes (Fitch's petitions for a new trial are also in the Archives).

I am running out of time so won't recount the various trials, though I have to note that Judd was eventually confined as a debtor in Middlebury. While in Middlebury he met a young prodigy, Isaac Markham, and, depending on who you speak to, either improved or stole Markham's plans for a marble cutting saw. Judd then launched the marble industry in Middlebury.

Soon Judd is again embroiled in a variety of suits. One of the most notable is still referred to as the Middlebury Offal War. And again, confused land titles lay at the root of the problem. Judd received a 999 year lease to quarry marble, but when actual title of the land changed hands, the new owner tried to establish a tannery at the quarry site. The quarry work kept undermining the new owner's buildings. The owner, Moses Leonard retaliated; he "turned all his dreans [drains] from his backyard

necessary, [outhouse] etc..." into the quarry. As one of Judd's men testified, the products of the tannery necessary "consisted of large quantities of the entrails and honches of cattle and sheep--sheeps heads, etc with a great variety of other filth stuff...Whilst we were quarrying in the hole, it frequently happened that we would hear the water coming down the bank upon us where we were at work and all hands would have to clear out, and when the water stopped shovel out the muck and wash off the rocks so that we could go to work again." [I thank the Sheldon Museum for these quotes].

As much as I hate to leave you at such an offal moment, I want to quickly touch on other aspects of Judd's journals. I keep thinking that there was a hint of Forrest Gump in Eben Judd. He seems to continually wander into the personalities and events of his day. For example, when Judd finished surveying the Coos in 1786 he began working his way back to Waterbury, CT. He conducted various business along the way and on Christmas day approached West Springfield, Massachusetts. Again, I quote from his journal: "When I first approached this house I saw a most horrid particular [?] company of men under arms with guns and bayonet. Their countenances showed terror and death...They were some of them unruly Drunk and clashing

bayonets [?} in a most shocking manner...they were going to breakup the court at Springfield--Old hateful and angry Mars is now mustering his hellish forces to a horrid and destructive war." On December 26th he wrote, "What I have beheld today. What is this land coming to? Surely if I judge arrogant thugs there will be in an hour time [?}...Bloodshed. I see it in the faces of many a man--All law is trampled upon--the Courts are all broak up by mobs and Riots and what will be next--I'll venture to say a most distressing internecine War which if surpressed tis likely will end in the ruin of this State--Far better would it be for you Bostonians to sheath the sword which in your power lust you go so far that there be no recovery."

Judd had wandered into Shay's Rebellion, a key event in the creation of the U.S. Constitution. Yet for all his dread, Judd continued on to Waterbury where he began to draw up his accounts and surveys without another mention of the Rebellion.

Where should we leave Mr. Judd? There is so much more in the journals that I, to use one of Eben's favorite phrases, would love to tarry at. He comments on the accommodations and costs of inns--and on the character of innkeepers. He fills one ledger with his salt business, from unloading the salt from ships to selling the salt in

Essex County to noting recipes for salting everything from beans to beef. His records at the Sheldon Museum include his plans for a patent on mills powered by the movements of the tide. As a general store owner he writes down orders for household goods from Essex County residents, providing a rare glimpse into frontier homes. He offers other glimpes as well. When he stopped to confer with Surveyor General James Whitelaw in Ryegate he found Whitelaw gone. While he waited he began to write down the titles of books in Whitelaw's library. He occasionally detailed his treatment of sick residents of the Coos and commented on the general health of the settlers.

Judd's court depositions detail how he paid out of his own pocket for forty men to help survey Essex county and how his store provided the implements used to clear and settle the upper Coos. Throughout the journals are his business dealings--including some with one of my ancestors, Oliver Sanford, who moved from Redding, CT to Addison County just before Judd's arrival in Middlebury.

All of these journal entries provide an incredible view of life on the Vermont frontier. They also offer perspectives that deserve further study. For example, Judd's business ventures in Essex County and Canada, his routine travels throughout New England, Canada, and the

mid-Atlantic states suggests a local economy extending far beyond the traditonal image of subsistence farms and rural isolation.

For legal historians there are numerous treasures. Judd kept extensive notes on his court cases, including transcripts of testimony, depositions, and judges' instructions to juries. While he awaited his trial in Woodstock he took notes on other cases, including a rape case and two involving the selling of foreign rum. When he is held in close confinement, after the fracas with the marshals, he orders and reads the laws of the United States, Vermont, D & Easts English common law, Virginia's statues and other legal tomes, as well as a modern history of Europe--offering insights into the resources available to Vermont's early lawyers. Many of the most noted lawyers of the day appear in the journals--Jonathan Hatch Hubbard, Daniel Buck, Oliver Gallup, Stephen Jacob, and Nathaniel Chipman.

I can only hint at the wealth of information in the journals. Lamentably the journals are increasingly fragile, not generally accessible, and not always legible. Perhaps the one true indication of Judd's medical training is his almost indecipherable handwriting. Perhaps now that

the legislature has tried to bury Ira Allen, it might want to help unearth Eben Judd.

What emerges from all the writings on matters great and small is Eben's enthralling personality. After listening to a sermon Judd writes about how the minister spoke on "to be carnal minded is death; but to be spiritual minded is life and peace." To his journal Judd added his own sermon: "'Man is born into trouble as the sparks fly upward.' I shall divide my discourse into and confine it under the following heads: First, man's ingress into the world. Second, his progress through the world. Third, his egress out of the world,--

First, man comes into the world naked and bare;
Second, his progress through it is trouble and care;
Third, he goes out of it nobody knows where.
To conclude:
If you do well while here, you will do well when there
I can tell you no more, if I preach a whole year."